DOCUMENT RESUME

ED 293 925 UD 025 715

AUTHOR Gaffney, Michael J.
TITLE Chapter 1: The Choices for Educators. (Reactions).
PUB DATE Dec 86
NOTE 24p.; In: Designs for Compensatory Education: Conference Proceedings and Papers (Washington, D.C., June 17-18, 1986); see UD 025 691.
PUB TYPE Reports - Evaluative/Feasibility (142) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Academic Achievement; *Compensatory Education; *Compliance (Legal); Cooperative Planning; Coordination; *Disadvantaged; Educational Legislation; Elementary Education; Faculty Development; Federal Programs; *Federal Regulation; Integrated Activities; Principals; Program Development; School Effectiveness; Special Classes; *Staff Development
IDENTIFIERS Education Consolidation Improvement Act Chapter 1; Special Needs Groups

ABSTRACT

The papers presented at this conference review current research on effective educational practices for low-achieving students and identify those that might be applied to programs funded under Chapter 1 of the Education Consolidation and Improvement Act of 1981. This report is a reaction to three papers which were presented at the final session of the conference and which provide, respectively, suggestions for how the effectiveness of Federal compensatory education efforts can be enhanced by increasing coordination among regular classroom reading programs and targeted support programs; redirecting the use of Chapter 1 staff development funds; and using a conceptual model to evaluate the achievement of Chapter 1 students. The report provides an overview of the range of discretion Chapter 1 gives school districts and then comments on the three papers from a legal and policy perspective. Much of the coordination research seems to have focused on problems caused when districts provide little or no coordination. Chapter 1 staff development funds cannot be used for regular classroom teachers or staff specialists who do not serve Chapter 1 students this school year and will not serve them next school year. The same applies to principals. Also the scope of the training does not include matters not "directly related" to the services to be provided. Regarding student achievement, it is important to remember that there is no national Chapter 1 instructional program that is uniform across districts and within districts. The paper concludes that problems of program quality and effectiveness are not the inevitable result of Federal legal provisions. Endnotes and a list of references are included. (PS)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED293925

CHAPTER 1: THE CHOICES FOR EDUCATORS

by

Michael J. Gaffney
Gaffney, Anspach, Schember,
Klimaski & Marks, P.C.
Washington, DC

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

CHAPTER 1: THE CHOICES FOR EDUCATORS

The three papers under review share a broad concern: How can the effectiveness of Federal compensatory education efforts be enhanced? Each paper considers a different, but related, part of the question. Allington and Johnston approach the question from the direction of concerns about coordination among regular classroom reading programs and targeted support programs. Griffin focuses on the perceived need to redirect the use of Chapter 1 staff development funds. And Hallinan contributes a conceptual model for use in evaluating the achievement of Chapter 1 students.

The perspective reflected in this reaction paper is that of an attorney familiar with the evolution of the legal framework for Title I and Chapter 1 and experienced in inter-disciplinary studies concerning implementation of Title I and Chapter 1. Consistent with this perspective, the paper first provides an overview of the range of discretion Chapter 1 gives school districts and then comments on the three papers from a legal and policy perspective.

District Discretion Under Chapter 1

The essential purpose of Chapter 1 is "to provide financial assistance to state and local educational agencies to meet the special needs of educationally deprived children" (Section 552 of Chapter 1). Chapter 1 funds must be used for programs and projects "which are designed to meet the special educational needs of educationally deprived children" (Section 555(a) of Chapter 1). To achieve this purpose, Chapter 1 funds may be used for:

- planning for Chaper 1 programs and projects;
- employment of special instructional and counseling and guidance personnel;
- employment and training of teacher aides;
- teacher training;
- bonuses to Chapter 1 teachers for service in Chapter 1 schools;
- the acquisition of equipment and instructional materials;

- o construction, where necessary, of school facilities; and

- o other expenditures authorized under Title I of ESEA (Section 555(c) of Chapter 1).

Chapter 1, however, provides categorical rather than general aid. School districts are prohibited from using Chapter 1 funds for general aid (34 CFR Section 200.52). To insure that Chapter 1 funds are not used for general aid and do reach the intended beneficiaries, the law and the regulations contain key provisions concerning:

- o eligibility and selection of school attendance areas (Section 556(b)(1), (c) and (d) of Chapter 1);

- o an annual assignment of educational needs to identify educationally deprived children in eligible attendance areas (Section 556(b)(2) of Chapter 1);

- o maintenance of state and local effort for public education (Section 558(a) of Chapter 1);

- o the requirement that the level of state and local funds in Chapter 1 schools be comparable to the level of such funds in non-Chapter 1 schools (Section 558(c) of Chapter 1; see Section 558(d) of Chapter 1);

- o the prohibition against using Chapter 1 funds to supplant state and local funds and the requirement that Chapter 1 funds supplement the level of state and local funds that would be made available to educate Chapter 1 participants if there were no Chapter 1 funds (Section 558(b) of Chapter 1; see Section 558(d) of Chapter 1);

- o the state educational agency's responsibility for ensuring that districts "comply with all statutory and regulatory provisions applicable to Chapter 1." (34 CFR Section 204.13; 51 FR 18412, May 19, 1986)[1]

Subject to the Chapter 1 provisions and to widely varying degrees of state influence, districts have considerable discretion about where and how they use Chapter 1 funds to serve educationally deprived children residing in school attendance areas with concentrations of children from low-income families. Consequently, subject to the above influences, a typical district can decide:

- o whether to serve all grade spans or some grade spans or one grade span;

- whether to serve all eligible attendance areas above the district-wide poverty average or to concentrate the program on the highest poverty schools;[2]

- whether to increase the number of schools to be served by using various school selection options, e.g., the "25 percent" poverty option (Section 556(d)(1) of Chapter 1); the "formerly eligible" option (Section 556(d)(4) of Chapter 1); the average daily attendance "substantially equal" option (Section 556(d)(3) of Chapter 1);[3]

- whether to serve all grade levels in Chapter 1 schools or only some grade levels;

- the subject areas in which Chapter 1 will provide services;

- the program designs/delivery models that will be used, e.g., in-class, limited pullout, extended pullout, replacement, add-on;[4]

- how to staff the Chapter 1 projects (e.g., teachers only, teachers and aides, aides only) and whether to staff the Chapter 1 projects with senior personnel or less experienced personnel or both);

- the group size and pupil-teacher ratio to be used in different Chapter 1 projects;

- the amount of Chapter 1 instructional time to be provided in different subject areas and grade levels;

- the level of Chapter 1 resources to allocate to administration, instruction, support services or equipment, supplies and materials, etc., and the level and type of resources to allocate to different Chapter 1 schools and projects;

- the degree of coordination among Chapter 1 and other special needs programs and the degree of coordination between Chapter 1 instruction and the regular instructional program;

- the quantity and quality of instructional materials to be used with Chapter 1 students;

- the type of tests to be used to determine student eligibility and the cutoff scores (up to the 50th percentile) for student eligibility;

- the extent to which teacher judgment interacts with test scores to determine student eligibility;

- whether to spread Chapter 1 resources by serving all eligible students or to concentrate Chapter 1 resources by serving only some of the eligible students;

- whether to use the "formerly eligible" option (Section 556(d)(6) of Chapter 1) or the "transfer" option (Section 556(d)(7) of Chapter 1) to serve otherwise ineligible students;

- whether to "skip" serving eligible students because they are receiving services of the same nature and "scope" from non-Federal sources (Section 556(d) of Chapter 1); and

- whether to limit Chapter 1 instructional personnel to instructional duties or to assign them also to "limited, rotating supervisory duties which are assigned to similarly situated personnel" who are not paid by Chapter 1 (Section 556(d)(10) of Chapter 1).

Given this broad range of district discretion, it is appropriate to repeat that Chapter 1 is "better defined as a funding program than as an educational treatment" (Carter, 1984, p. 11).[5] The nature and effectiveness of the educational treatment vary, in part, according to how the district exercises its discretion to use Chapter 1 funds. Larger forces, such as state, district, and school-level context, interact with district discretion to implement Chapter 1 and shape and mold the educational treatment that ultimately emerges.

Instructional Coordination

Allington and Johnston's paper, "The Coordination Among Regular Classroom Reading Programs and Targeted Support Programs":

- examines different meanings of coordination that emerge from the literature (vertical and horizontal regulatory coordination, instructional coordination and a combination of regulatory and instructional coordination);

- reviews the current status of curricular coordination at the district and school levels;

- o analyzes Federal policy assumptions and their consequences;

- o outlines some alternative assumptions and practices concerning instructional congruence, opportunity to learn, and the supplement-not-supplant provision; and

- o provides a series of recommendations concerning Federal structure and policy and local curricular coordination.

Their principal concerns are (1) the coordination of core curriculum instruction with support program instruction, and (2) the coordination of instruction between support programs. While conceding that they "lack empirical evidence" upon which to base recommendations for curricular coordination, their concerns are driven by the reasonable belief that enhanced coordination will affect the quality of instruction delivered to students.

Three areas of particular interest to this reviewer are (1) the effects of Federal policy; (2) the degree of district and school responsibility for coordination; and (3) the recommendations that flow from their analysis.

The Effects of Federal Policy

Allington and Johnston posit two views about the effects of Federal policy. The first is that "Federal policies are the root of all our problems." According to this view, "Federal fiscal controls" and the "Federal goal of isolating Federal monies from state and local funds" hinder coordination (p. VI-16 citing Ginsburg & Turnbull, 1981; Moore et al., 1983; Cohen, 1982; and Kaestle & Smith, 1982. The second view, which the authors adopt, sees "much of the existing Federal policy structure as unnecessarily duplicative, unwieldly and influential in producing the fragmentation so often noted" (p. VI-17). The authors perceive "shifting social beliefs about the nature of school failure" interacting with the development of Federal policy, the result being the pullout model, the "differential teaching" model, the "small group clinical model," different curricular materials for special populations, and similar manifestations of "professional wisdom" (p. VI-17). Elsewhere, however, the authors note there is "much opinion but little hard evidence to support any conclusion about the effects of policies developed at any level" (p. VI-16).

There are horror stories about the aggregate effects of Federal policy in some districts (Kimbrough & Hill, 1981), but these stories support no generalizations. Kimbrough and Hill's eight districts were nominated by state administrators because they were known to have difficulties implementing multiple

categorical programs. The 24 schools studied in these districts were selected for the same reason.

Unfunded Federal mandates (Section 504, the Lau remedies flowing from Title VI of the Civil Rights Act of 1964, Title IX) and underfunded Federal mandates (P.L. 94-142, Title VII) have been difficult for some districts to meet, particularly since the guidelines explaining how to do so consistently with Chapter 1 are not well-known, but districts aware of the relevant principles have solved many of these problems.

The numerous small categorical programs now consolidated by Chapter 2 may have caused some of the complaints of Federal program fragmentation, but what gives rise to this concern regarding Chapter 1? The answer is not immediately apparent.[6] Assuming those concerned about lack of coordination do not object to the congressional policy of focusing Chapter 1 funds on educationally deprived children in poverty schools, one must turn to the "Federal fiscal controls." But which fiscal controls? The maintenance of effort provision does not influence coordination or program design. Nor does the comparability provision. That leaves the prohibition against general aid and the supplement-not-supplant provision as potential suspects. The prohibition against general aid simply means Chapter 1 funds are not to be used for non-Chapter 1 students. Is the supplement-not-supplant provision the villain ruining program coordination?

The basic purpose of the supplement-not-supplant provision is to insure that Chapter 1 funds are used for supplemental programs designed to meet the "special" educational needs of the eligible children. This provision prohibits districts from discriminating against Chapter 1 schools and Chapter 1 participants in the provision of state and local funds. Chapter 1 schools and Chapter 1 participants must be provided the level of state and local funding that would be provided if Chapter 1 did not exist.[7]

Eighteen years ago, Program Guide No. 44 (1968) discussed another aspect of the supplement-not-supplant provision--the need for coordination not only between the core curriculum and Title I, but also between Title I and other special programs. The Program Guide, which warrants extensive quotation, urged districts to insure that:

> consideration has been given to the relationship of the Title I program to the regular school program and to the possibility of modifying that program so as to provide a better base for the addition of supplementary compensatory educational services....

> Probably the most obvious indication of a child's need for special education assistance under Title I is his inability to respond constructively to the regular school program.
>
> In many cases this program can be modified and integrated with the services to be provided under Title I so as to provide the child with a total program adapted to his special needs....
>
> The Title I program, if it is to be truly supplementary, must be designed to extend and reinforce the regular school program. Insofar as possible, the regular school program, the Title I program, and any other special programs should be designed as a total program to meet the needs of the children to be served. This may require revision of the regular school curriculum and will in any event require communication between regular school and Title I staff concerning their respective programs and the ways in which they can be improved to better meet the needs of the educationally deprived children involved in both programs. (Section 4.1 of Program Guide No. 44, 1968)

Thus, Program Guide No. 44 deemed the supplement-not-supplant provision to promote coordination and not to impede it. Nonetheless, coordination problems have often been said to have been influenced by the impact of the supplement-not-supplant provision on program design. Previous inquiries into this matter have revealed that:

- Early Title I regulations did not clearly address the relationship between program design and the supplement-not-supplant provision.[8]

- Though Title I never required use of the pullout design, some states and districts emphasized it as the way to avoid audit problems, particularly general aid violations arising from in-class models where aides served non-Title I children.[9]

- "Federal administration of the requirements guaranteeing the supplementary nature of the program [was] neither clear nor consistent" (National Institute of Education, 1978, p. 173).

- Many districts did not understand the implications of the supplement-not-supplant provision for designing instructional programs providing "extra," rather than substituted, services (Demarest, 1977; Silverstein & Schember, 1977; Vanecko & Ames, 1980).

- Congress, in the legislative history of the Education Amendments of 1978, (1) discussed the lack of clarity and comprehensiveness in the supplanting regulations; (2) stated that Title I did not require a particular type of program design;[10] and (3) directed that new Title I regulations contain "legal nonsupplanting models and include examples explaining how the general principles apply to day-to-day situations" (H.R. Rep. 95-1137, 1978, p. 29).

The 1981 Title I regulations, responding to this congressional concern, described the proper application of the supplement-not-supplant provision to all program design models--in-class, limited pullout, extended pullout, replacement, and add-on. The regulations indicated that state and locally funded instructional time had to be contributed to the extended pullout and replacement models to insure that participants received supplemental rather than substituted services.

When Chapter 1 was enacted in 1981, moreover, it expressly stated that districts did not have to use a pullout design to demonstrate compliance with the supplement-not-supplant provision (Section 558(d) of Chapter 1).[11] If the pullout design causes coordination and fragmentation problems, districts can avoid them by using an in-class design or a replacement model. Nothing in Federal law or policy stands in their way.

The Degree of District and School Responsibility for Coordination

Allington and Johnston find that district and school policies affect the level of coordination between core curriculum instruction and support program instruction, and among different support programs. They also find that most districts neglect both forms of coordination and that many districts have "not structured administrative responsibilities in a manner that facilitates such coordination" (p. VI-10). They suggest three reasons for the "lack of district-wide initiatives" concerning coordination:

- the low priority given to achieving a coordinated effort in the employment of district level administrators;

- misinterpretations of Federal and state regulations or conservative interpretations of such regulations; and

- traditions and professional beliefs of district administrators which may actively oppose coordinated efforts.

And they find that "in most instances neither district-level nor building-level administrators seem to provide adequate leadership" in promoting coordination (p. VI-14). Also of interest is their observation that district administrators' coordination philosophies vary widely. Some favor tight coordination between the core curriculum and support programs. Others believe support program instruction should be distinct. Still others advocate a mixed approach--some similarity with distinct curricular options. It is not surprising that Allington and Johnston conclude "coordinated instructional efforts were far more likely to occur when program administrators believed coordination was appropriate" (p. VI-10).

Recommendations

Allington and Johnston present a series of recommendations concerning Federal policy and local policy. Noticeably absent are recommendations about state policy, which frequently interprets Federal requirements, adds others, and influences implementation of both at the local level.

They suggest Federal policy should (1) "provide a coordinated and coherent focus for lower-level policy makers"; (2) "focus more on 'service quality' and less on separating funds by categorical programs"; and (3) "emphasize the similarity of instructional needs amongst the children served by the several current categorical programs" (p. VI-30). To accomplish these ends, they propose either "merging the agencies in charge of compensatory education, education of the handicapped, and vocational education, to name a few" or having the Secretary of Education "emphasize coordination amongst the several agencies and a better articulation of Federal roles in achieving effective schools for the various 'at risk' populations" (pp. 39-49).

Compensatory education, education of the handicapped, and vocational education are all authorized under separate laws. Absent a block grant proposal acceptable to the Congress, it is extremely unlikely that these authorities will be merged in a single law. Further, the Department of Education Organization Act (DEOA; Public Law 96-88) specifies the structure of the Department of Education. The Act requires that the principal officers of the Department include Assistant Secretaries for (1) Elementary and Secondary Education, (2) Vocational Education, and (3) Special Education and Rehabilitative Services (Section 202(b)(1)(A),(C) and (D) of the DEOA). The

Secretary of Education lacks authority to merge these three offices into one, as has been recommended. It is highly unlikely that the Congress will amend the Act to effect such a merger.

The Secretary of Education could certainly "emphasize coordination" among the several relevant offices that comprise the Department.[12] Similarly, nothing precludes the Secretary from developing a "better articulation of Federal roles in achieving effective schools." The Secretary's initiative could encourage coordination and "service quality" improvements that were not inconsistent with the legal mandates governing the various Federal programs. The Secretary, however, lacks authority to waive a regulation when it would mean ignoring a statutory mandate.

The recommendations for local policy are useful and may be of assistance to districts which are motivated to attempt enhanced coordination.

One approach to promoting consideration of coordination in districts which don't focus on the issue is to mandate it by statute. The Title I statute had a coordination provision with a different focus:

> COORDINATION WITH OTHER PROGRAMS.--(1) A local educational agency may receive funds under this title only if it demonstrates that, in the development of its application, it has taken into consideration benefits and services which are or may be available through other public and private agencies, organizations, or individuals. The local educational agency shall also demonstrate that in order to avoid duplication of effort and to ensure that all programs and projects complement each other, it has considered suggestions and offers of assistance made by other agencies which may aid in carrying out or making more effective the program or project for which the application is made.
>
> (2) A local educational agency may use funds received under this title for health, social, or nutrition services for participating children under this title only if such agency has requested from the State educational agency assistance in locating and utilizing other Federal and State programs to provide such services. (Section 124 (f) of Title I)

This provision could be redrafted so that it reads as follows:

> COORDINATION WITH OTHER PROGRAMS. A local educational agency may receive funds under this chapter only if it

> demonstrates that, in the development of its application, it has taken into consideration (1) the extent to which the use of funds provided under this chapter has been or will be coordinated with the use of funds from other Federal, state, and local programs available for the instruction of special needs students; and (2) the extent to which it has chosen to coordinate its core curriculum instruction with supplemental instruction supported under this chapter. The local educational agency shall also demonstrate that in order to avoid duplication of effort and to ensure that all programs and projects complement each other, it has considered suggestions made by administrators and teachers implementing other special needs programs which may aid in coordinating, carrying out, or making more effective the program or project for which the application is made.

The above language does not run afoul of the prohibition against Federal control of education (Section 432 of GEPA, Section 103(b) of DEOA). It merely requires districts to demonstrate in their applications that they have considered the extent to which there will be coordination. Such an amendment, however, might arguably be construed as contrary to one of the purposes of Chapter 1: to "eliminate burdensome, unnecessary, and unproductive paperwork and free the schools of unnecessary Federal supervision, direction and control" (Section 552 of Chapter 1). States and districts operating with streamlined applications (or even assurances in lieu of a narrative application) might howl in protest at another process requirement that increases "administrative burden" and "paperwork." Districts which give coordination low priority could always produce innocuous language for the application and continue business as usual. Districts which are genuinely concerned about coordination will continue to attempt to address the issue whether or not such an amendment ever gets enacted.

The limits of legal amendments suggest other efforts might be more fruitful. Much of the coordination research seems to have focused on problems caused when districts provide little or no coordination. This pathological perspective emphasizes coordination problems rather than successful efforts at coordination. In fact, coordination can occur and is occurring. Perhaps too many districts do not know how to do it or don't think of the issue. A study of schools and districts specially selected because of their outstanding and varied modes of program coordination, however, might be a useful means of pointing the way.

Staff Development

Griffin's paper, "Chapter 1 and the Regular School: Staff Development," identifies two conceptual approaches to staff development. The first is the traditional "content driven orientation." The second, which he characterizes as an emerging alternative, is a "context orientation" which involves manipulation of school context variables so that work is positively affected. He argues that, since the effective schools research suggests context has a powerful influence on outcomes, then context-oriented staff development is a reasonable approach. He asserts further that context-oriented staff development is reasonable for the Chapter 1 setting because:

- Chapter 1 programs are not well-developed educational or instructional interventions;
- Chapter 1 students tend to be located disproportionately across school settings;
- school-level leadership would be enhanced if focused on context issues rather than the requirements of different school-based programs;
- the best instructional strategies for Chapter 1 students will be equally effective in conventional classrooms;
- schooling for any student is composed of a number of interacting variables; and
- pullouts may not be the best way to promote the goals of Chapter 1.

Since context oriented staff development is conceived of as a school-wide effort rather than a classroom activity, Griffin argues that some changes are needed to get to the promised land. These include:

- revision of staff development program guidelines related to Chapter 1 programs;
- using rules and regulations to cause teachers and administrators to work together so that context influences can be brought to bear upon opportunities for Chapter 1 students;
- having Chapter 1 staff development be school-wide instead of "targeted to special educational personnel groups"; and

- using Chapter 1 staff development funds to integrate an understanding of the special needs of Chapter 1 students throughout the school by extending Chapter 1 staff development opportunities to all professionals.

These proposals must be assessed in light of the legal framework. We begin with the 1981 Title I regulations, which contained a section concerning the use of Title I funds for training eligible persons and a section concerning training education aides and volunteers. The first section stated:

> Section 200.75 Use of Title I funds for training eligible persons.
>
> (a) Eligible persons. An agency may use Title I funds to train —
>
> (1) Staff members paid with Title I funds, advisory council members and volunteers who will perform services in a Title I project;
>
> (2) Regular classroom teachers paid with non-Federal funds if those persons provide instructional services to participanting children or children who will participate in the next school year; and
>
> (3) Principals of schools in which children who participate in a Title I project or who will participate in the next school year are enrolled.
>
> (b) Scope of the training. The training referred to in paragraph (a) of this section must be —
>
> (1) Directly related to the Title I services to be provided during the school year in which the training is being provided or in the next school year;
>
> (2) Directly related to the functions that the persons receiving the training provide for the children participating in the Title I project; and
>
> (3) Necessary to meet the needs of the participating children. (34 CFR Section 200.75, 46 FR 5144, January 19, 1981)

The second section stated:

> Section 200.60. Training education aides and volunteers.
>
> An Agency operating a Title I project that includes education aides or volunteers shall, under a well-

developed plan, provide those education aides and volunteers with training that —

(a) Is directly related to a Title I service;

(b) Is provided as needed to ensure that the education aides and volunteers are adequately trained;

(c) Includes the participation of the professional staff who are, or will be, assisted by the education aides and volunteers; and

(d) Is coordinated with other training programs being provided by the agency. (34 CFR Section 200.60, 46 FR 5143, January 19, 1981)

Other than authorizing the use of Chapter 1 funds for the training of teachers and aides, the Chapter 1 law and regulations do not directly address staff development. Consequently, we must, in this case, consider the interpretations advanced by the Department of Education in the 1981 Title I regulations. Assuming these interpretations have bearing on the use of Chapter 1 funds for staff development, it appears that:

- Chapter 1 funds may be used for staff development for staff members paid with Chapter 1 funds, principals of schools which now have Chapter 1 students or will have them next school year, and regular classroom teachers and staff specialists who serve Chapter 1 participants or students who will participate in the next school year; and

- the scope of the training must be necessary to meet the needs of Chapter 1 participants, directly related to the functions that those trained provide for Chapter 1 participants, and directly related to the Chapter 1 services to provide this year or next year.

Under this interpretation, Chapter 1 staff development funds cannot be used for regular classroom teachers or staff specialists who do not serve Chapter 1 students this school year and will not serve them next school year. The same applies to principals. Also, the scope of the training apparently does not include matters not "directly related" to the services to be provided and the functions those trained provide for Chapter 1 participants.[13] Since the Chapter 1 law and regulations are silent on these issues, it is always possible that more flexible or more restrictive interpretations might be advanced. The prohibition against general aid, however, would bar the use of Chapter 1 funds from being used for staff development for the entire school staff, except in school-wide projects or in Chapter 1 schools where the number

of Chapter 1 participants was so high that every regular classroom teacher provided instructional services to Chapter 1 students.

Student Achievement

Hallinan's paper, "Chapter 1 and Student Achievement: A Conceptual Model," seeks "to identify the mechanisms that relate participation in Chapter 1 programs to student achievement" (p. VI-62). She ignores questions relating to school and student selection criteria, focusing instead on "what happens to students in Chapter 1 programs and how their experiences affect their growth in academic programs" (p. VI-62).

In discussing Chapter 1 programs, she initially appears to consider only pullout, in-class, and add-on projects, but later inserts a reference to replacement projects. Such projects require a contribution of state and local instructional time to avoid supplanting and, where there is a total replacement project, frequently result in dramatically reduced class size and lower pupil ratios. Hallinan does not mention these factors in her brief discussion of replacement projects.

Hallinan notes that compensatory education programs involve grouping of students by ability and discusses the benefit and detriments of ability grouping, as well as methods teachers may use to counterbalance the detriments. She does not suggest that ability grouping be avoided or that compensatory approaches be abandoned. Rather, she suggests that analysis of the quantity and quality of compensatory instruction, and the interactions between teachers and students and among students in compensatory education settings, may provide insights into the reasons for particular programs' success or failure.

She identifies several factors determining instructional quantity and quality and several aspects of the interactional process. These considerations and factors may be useful for those designing future evaluations of the educational outcomes of the Chapter 1 instructional process. It is important to remember, however, that there is no national Chapter 1 instructional program that is uniform across districts and within districts. Chapter 1 programs vary from state to state, from district to district within states, and often from school to school within districts. Districts have broad discretion in designing the instructional component of Chapter 1 programs.

Conclusion

The three papers to which my comments have been addressed illustrate an important point about Federal compensatory education--only some of the many important policy issues are appropriate for resolution by statute or regulation. Further, problems of program quality and effectiveness are not the inevitable result of Federal legal provisions. The legal framework grants educators broad discretion in designing pedagogical approaches. Chapter 1 program implementers must serve educationally disadvantaged children in poverty schools, must plan and evaluate their program, and may not discriminate against Chapter 1 children or schools in allocating other resources. The law says little else. Whether the program succeeds depends on educators.

Endnotes

1. Other legal provisions include those concerning records and information for audits and evaluations (Section 558(d) of Chapter 1); evaluation (Sectiona 556(b)(4) and 558 (e) of Chapter 1), the "size, scope, and quality" of Chapter 1 projects (Section 556(b)(3) of Chapter 1); the requirement that programs and projects be designed and implemented in consultation with parents and teachers (Id., and Section 556(e) of Chapter 1; see 34 CFR Section 200.53, 51 FR 18410, May 19, 1986); and participation of children enrolled in private schools (Section 558 of Chapter 1).

2. Districts with a total enrollment of less than 1000 children may serve all school attendance areas (Section 556(c) of Chapter 1). Similarly, districts whose school attendance areas have a "uniformly high concentration" of children from low-income families can serve all school attendance areas (Section 556(b)(1)(B) of Chapter 1; see Comment and Response on Section 200.50, 51 FR 18415, May 19, 1986).

3. With approval from the state educational agency a district may (1) "skip" an eligible attendance area if it is receiving services of the "same nature and scope" from non-Federal funds (Section 556(d)(5) of Chapter 1); (2) serve an otherwise ineligible school attendance area with "substantially higher numbers or percentages of educationally deprived children" instead of a school attendance area with higher concentrations of children from low-income families if this does not provide services to more school attendance areas than could otherwise be served and does not "substantially impair" the delivery of compensatory education services to Chapter 1 students in other schools (Section 556(d)(2) of Chapter 1); and (3) provide a school-wide project "designed to upgrade the entire educational program in the school" if at least 75% of the children are from low-income families and certain planning and fiscal requirements are met (Section 556(d)(9) of Chapter 1).

4. Chapter 1 expressly states that a district is not required "to provide services...outside the regular classroom or school program" in order to demonstrate compliance with the supplement-not-supplant provision (Section 558(b) of Chapter 1).

5. The Department of Education is not in the business of prescribing educational treatment for Chapter 1 students. Section 432 of the General Education Provisions Act, which

prohibits Federal control of education, states that "no provision of any applicable program shall be construed to authorize any department, agency, office or employee of the United States to exercise any direct supervision or control over the curriculum, program of instruction, administration or personnel of any education institution, school or school system..." Section 103(b) of the Department of Education Organization Act contains a similar provision.

Chapter 3 of ECIA also limits the Secretary's authority to issue regulations concerning the "details of planning, developing, implementing, and evaluating programs and projects" (Section 591 of Chapter 3). As the comments to the Chapter 1 regulations state: "Consistent with the intent of Chapter 1, the Secretary believes that an LEA should have maximum flexibility in designing its Chapter 1 projects" (51 FR 19417, May 19, 1986).

6. Allington and Johnston suggest the absence of regulatory language on coordination may be a cause; they state that curriculum coordination has "never appeared as part of the Federal regulatory language for any of the various intervention programs that emerged as a result of Federal laws or policies" (p. VI-7). The 1981 Title I regulations, however, included the following: "The Secretary strongly encourages the [local educational] agency to coordinate Title I instructional services with services provided under other programs, including the regular instructional program provided by the LEA." (34 CFR Section 200.40(b), 46 FR 5141, January 19, 1981) This suggests we must look elsewhere for the cause of coordination problems.

7. The 1981 Title I regulations permitted instructional time rather than dollars to be used as a guide to assessing whether Title I participants in instructional settings were receiving the level of state and local resources they would have received if Title I did not exist. The Chapter 1 Non-Regulatory Guidance document continues this practice.

8. Program Guide No. 44, which is no longer in effect, was not a regulation.

9. When the District Practices Study asked a large nationally representative sample of districts in school year 1981-82 why they used a pullout design, the following reasons were considered by districts to be "very important" or "somewhat important":

Reasons for use of pullout design	Percent of districts*
Educationally superior for part or all of our program	81
Easier to demonstrate compliance with funds allocation requirements	60
State Title I office advice	46
Not worth the disruption of changing	33
Other	18
	(1149)

(Advanced Technology, 1983, pp. 8-38)

*Percentages do not total 100 percent since more than one response to the question was permitted.

10. The legislative history emphasizes this point: "Title I should not be construed to require any particular instructional strategy. The U.S. Office of Education (OE) should develop regulations which inform program administrators how to design 'inclass' as well as 'pullout' programs" (H.R. Rep. 95-1137, 1978, pp. 26-27). Congress merely reaffirmed its consistent policy in this regard in 1978. The legislative history of the original 1965 legislation made the same point: "such matters are left to the discretion and judgment of the local educational agencies" (S. Rep. 89-146, reprinted in U.S. Code and Cong. Admin. News, 1965, p. 1,454). Congress echoed this sentiment in the legislative history of the Education Amendments of 1970 (S. Rep. 91-634, reprinted in U.S. Code and Cong. Admin. News, 1970, p. 2,772).

11. The Chapter 1 Nonregulatory Guidance document includes the program design models that were in the 1981 Title I regulations and describes them as "Examples of Chapter 1 Instructional Services That Meet the Supplement Not Supplant Requirement."

12. The Department of Education Organization Act contains references to coordination. In Section 101(7) of the DEOA, the Congress found "there is a need for improvement in the management and coordination of Federal education programs to support more effectively state, local and private institutions, students and parents in carrying out their educational responsibilities." One of the purposes of the Act was "to improve the coordination of Federal

education programs" (Section 102(5) of the DEOA). The Act also provides for a Federal Interagency Committee on Education which "shall study and make recommendations for assuring effective coordination of Federal programs, policies, and administrative practices affecting education ..." (Section 214(b) of the DEOA).

13. These restrictions presumably would not apply to school-wide projects which met all applicable requirements (Section 556(d)(9) of Chapter 1).

References

Advanced Technology, Inc. (1983). Local operation of Title I, ESEA 1976-1982: A resource book. McLean, VA: Author.

Allington, R. L., and Johnston, P. (1986, June). The coordination among regular classroom reading programs and targeted support programs. Paper presented at the Conference on the Effects of Alternative Designs in Compensatory Education, Washington, DC.

Carter, L. F. (1984). The Sustaining Effects Study of compensatory and elementary education. Educational Researcher, 13(7), 4-13.

Cohen, D. K. (1982). Policy and organization: The impact of state and Federal educational policy on school governance. Harvard Educational Review, 52, 474-499.

Demarest, E. (1977). The DHEW sanction study. Washington, DC: Department of Health, Education and Welfare, Office of Assistant Secretary for Education/Policy Development.

Gaffney, M. J., & Schember, D.M. (1982). The effects of the Title I supplement-not-supplant and excess costs provision on program design decisions. McLean, VA: Advanced Technology.

Ginsburg, A., & Turnbull, B. (1981). Local program coordination: An alternative structure for Federal aid to schools. Educational Evaluation and Policy Analysis, 3(3), 33-42.

Griffin, G. A. (1986, June). Chapter 1 and the regular schoool: Staff Development. Paper presented at the Conference on the Effects of Alternative Designs in Compensatory Education, Washington, DC.

Hallinan, M. T. (1986, June). Chapter 1 and student achievement: A conceptual model. Paper presented at the Conference on the Effects of Alternative Designs in Compensatory Education, Washington, DC.

Kaestle, C. F., & Smith, M. S. (1982). The historical context of the Federal role in education. Harvard Educational Review, 52, 383-408.

Kimbrough, J., & Hill, P. (1981). The aggregate effects of Federal education programs. Santa Monica, CA: Rand Corporation.

McLaughlin, J. (1982). States and the new Federalism. Harvard Education Review, 52, 564-583.

Moore, M. T., Goertz, M. E., Hartle, T. W., Winslow, H. R., David, J. L., Sjogren, J., Turnbull, B., Coley, R. J., & Holland, R. P. (1983). The interaction of Federal and related state education programs (Vol. 1). Princeton, NJ: Educational Testing Service.

National Institute of Education. (1978). The National Institute of Education compensatory education study: Collected reports. Washington, DC: Author.

Orland, E., Goettel, R., Kaplan, B. et al., (1977). A study of the administration of ESEA, Title I, at the Federal, state, and local level: A final report. Syracuse, NY: Syracuse Research Corporation.

Purkey, S., & Smith, M. (1983). Effective schools: A review. The Elementary School Journal, 83(4), 427-452.

Silverstein, R., & Schember, D.M. (1977). An analysis of the basis for and clarity and restrictiveness of the program requirements applicable for grants under Title I of the Elementary and Secondary Education Act. Washington, DC: Lawyers' Committee for Civil Rights Under Law.